

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/10/08 has been entered.

### ***Claim Rejections - 35 USC § 102***

1. Claims 1-3, 5, 6, 8-13, 15, 20, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent Publication 2001/0029874 to Muirhead. Muirhead teaches a pallet (4a) comprising a deck (14) with an upper surface (62) and a plurality of supports (12) extending downward from the deck. The deck includes a plurality of openings (64) for receiving the supports of a similar pallet. At the rounded corner edge (20) there is the projection (200a) that extends outwardly in the vertical direction and is used to hold shrink-wrap (Page 9, paragraph 86). The peripheral margin (66) is considered part of the upper surface and has an edge (68) that defines the outer perimeter. Note that there are two definitions for the term "flush", one being that even or level (i.e. in the same plane) and one being adjacent or direct contact. In this instance the second definition is used since the projection is considered to be adjacent to the

upper surface. If the applicant wishes to limit to the first then it is suggested that the claim recite language such as "the upper surface of the projection is level and in the same plane as the upper surface of the upper panel." Please note that the term "except" when used in open ended claim language such as with the term "comprising" has minimal weight since the structural elements as required by the claim are present in the prior art reference. Also note that language such as "generally continuous curve" or "generally constant radius" is considered broad enough to encompass the applicant's corner edges including the projection as the terms of "generally" and "substantially" are interpreted as at least 50 percent. The deck is made up of an upper deck section (60) with an upper panel (2c) having openings (64) and a lower deck section (10) having a lower panel (2a) with the supports (12) thereon.

***Claim Rejections - 35 USC § 103***

2. Claims 1-3, 5, 6, 8-13, 15, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication 2004/0134390 to Apps in view of Japanese Patent 2001-270,525 to Ishizuka Glass. Apps teaches a pallet with an upper panel (20) having an upper surface defining an outer perimeter of the pallet. A lower panel (29) have supports (26) extending downward and align with openings (24) in the upper panel. The corner edges are rounded as seen in the figures. The pallet of Apps is constructed in the method/manner as substantially disclosed which results in a pallet with the same structure as claimed except for the at least one projection on the corner edges.

3. Ishizuka teaches a pallet (P) with a deck having an upper surface (p1) for supporting goods (A) as seen in figures 1 and 5. The upper surface (p1) is substantially bounded outwardly by side edges, end edges and corner edges between the side edges and end edges as seen in figure 1. A plurality of supports (1a, 1b) extends downward from the deck. At least one projection (3a) extends vertically outward into the groove (4a) from the rounded corner edge as best seen in figures 3 and 4.

4. The side surface of the projection (3a) is flush (even) with the corner edge of upper surface (p1) of the deck as seen in figures. The plurality of goods (A) on the upper surface (p1) is wrapped with a wrap (S) to at least partially go around an edge adjacent to the projection (3a) as seen in figures 3 and 5. The projection (3a) does not extend outwardly past the side edges or past the end edges as seen in figure 3.

5. At the time of the invention it would have been obvious to modify the pallet of Apps by forming the upper panel with the top projection as taught by Ishizuka to hold shrink wrap on the corner of the pallet better.

2. Claims 1-3, 5, 6, 8-13, 15,16, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication 2004/01343901 to Apps in view of US Patent 4,838,419 to Weits. Apps teaches a pallet with an upper panel (20) having an upper surface defining an outer perimeter of the pallet. A lower panel (29) have supports (26) extending downward and align with openings (24) in the upper panel. The corner edges are rounded as seen in the figures. The pallet of Apps is constructed in

the method/manner as substantially disclosed which results in a pallet with the same structure as claimed except for the at least one projection on the corner edges.

3. Weits teaches a pallet (10) with a rounded corner edge (52) having a projection (190) extending horizontally outward. The projection (190) is flush (level) with the upper surface of the pallet. At the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the pallet of Apps by forming the projection in the corner edge as taught by Weits to act as a shock absorber.

4. Claims 1-3, 5, 6, 8-13, 15,16, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication 2004/01343901 to Apps in view of US Patent 5,341,748 to Liu. Apps teaches a pallet with an upper panel (20) having an upper surface defining an outer perimeter of the pallet. A lower panel (29) have supports (26) extending downward and align with openings (24) in the upper panel. The corner edges are rounded as seen in the figures. The pallet of Apps is constructed in the method/manner as substantially disclosed which results in a pallet with the same structure as claimed except for the at least one projection on the corner edges.

5. Liu teaches a pallet having projections (5) extending horizontally outward from the corner edges of the upper surface of the deck. At the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the pallet of Apps by adding the projections to the edges (including the rounded portion) as taught by Liu to protect the edges of the pallet.

6. Claims 1-3, 5, 6, 8-13, 15, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,289,823 to Koefeldt in view of Japanese Patent 2001-270,525 to Ishizuka Glass. Koefeldt teaches a pallet with an upper panel (12) having an upper surface defining an outer perimeter of the pallet. Supports (26) extend downward and align with openings in the upper panel. The corner edges are rounded as seen in the figures. The pallet of Apps is constructed in the method/manner as substantially disclosed which results in a pallet with the same structure as claimed except for the at least one projection on the corner edges.
7. Ishizuka teaches a pallet (P) with a deck having an upper surface (p1) for supporting goods (A) as seen in figures 1 and 5. The upper surface (p1) is substantially bounded outwardly by side edges, end edges and corner edges between the side edges and end edges as seen in figure 1. A plurality of supports (1a, 1b) extends downward from the deck. At least one projection (3a) extends vertically outward into the groove (4a) from the rounded corner edge as best seen in figures 3 and 4.
8. The side surface of the projection (3a) is flush (even) with the corner edge of upper surface (p1) of the deck as seen in figures. The plurality of goods (A) on the upper surface (p1) is wrapped with a wrap (S) to at least partially go around an edge adjacent to the projection (3a) as seen in figures 3 and 5. The projection (3a) does not extend outwardly past the side edges or past the end edges as seen in figure 3.
9. At the time of the invention it would have been obvious to modify the pallet of Koefeldt by forming the upper panel with the top projection as taught by Ishizuka to hold shrink wrap on the corner of the pallet better.

10. Claims 1-3, 5, 6, 8-13, 15,16, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,289,823 to Koefeldt in view of US Patent 4,838,419 to Weits. Koefeldt teaches a pallet with an upper panel (12) having an upper surface defining an outer perimeter of the pallet. Supports (26) extend downward and align with openings in the upper panel. The corner edges are rounded as seen in the figures. The pallet of Apps is constructed in the method/manner as substantially disclosed which results in a pallet with the same structure as claimed except for the at least one projection on the corner edges.

11. Weits teaches a pallet (10) with a rounded corner edge (52) having a projection (190) extending horizontally outward. The projection (190) is flush (level) with the upper surface of the pallet. At the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the pallet of Koefeldt by forming the projection in the corner edge as taught by Weits to act as a shock absorber.

12. Claims 1-3, 5, 6, 8-13, 15,16, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,289,823 to Koefeldt in view of US Patent 5,341,748 to Liu. Koefeldt teaches a pallet with an upper panel (12) having an upper surface defining an outer perimeter of the pallet. Supports (26) extend downward and align with openings in the upper panel. The corner edges are rounded as seen in the

figures. The pallet of Apps is constructed in the method/manner as substantially disclosed which results in a pallet with the same structure as claimed except for the at least one projection on the corner edges.

13. Liu teaches a pallet having projections (5) extending horizontally outward from the corner edges of the upper surface of the deck. At the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the pallet of Koefeldt by adding the projections to the edges (including the rounded portion) as taught by Liu to protect the edges of the pallet.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection. With regards to claim 8 and the rejection with Muirhead, Muirhead clearly shows a projection that extends outward (direction is not defined) and the structure of the projection is not defined. Please note that the peripheral margin (66) is now considered part of the upper surface and has an edge (68) that defines the perimeter of the pallet.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TIMOTHY M. AYRES whose telephone number is (571)272-8299. The examiner can normally be reached on MON-THU 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. M. A./  
Examiner, Art Unit 3637  
6/20/2008

/Janet M. Wilkens/  
Primary Examiner, Art Unit 3637